



LEGAL SERVICES SUPPORT SECTION

1ST MARINE LOGISTICS GROUP, MARFORPAC
BOX 555607

CAMP PENDLETON, CALIFORNIA 92055-5607

IN REPLY REFER TO: 5813 LSST-E/jmv 15 Dec 10

From: Trial Counsel, (b) (6) Legal Services Support Team

Echo

To: Commanding Officer, I Marine Headquarters Group, I Marine Expeditionary

Force

Subj: REPORT OF RESULTS OF TRIAL ICO (b) (6)

1. Per R.C.M. 1101(a), MCM, notification is hereby given in the case of United States v. (b)(6) , a trial by Special Court-Martial occurring at Camp Pendleton, California, convened by the Commanding Officer, I Marine Headquarters Group, I Marine Expeditionary Force, Camp Pendleton, California.

2. Offenses, pleas, and findings:

(b) (6), (b)(7)(C)

Offense	Plea	Finding
Charge I: Violation of the UCMJ, Art 81	Guilty	Guilty
Specification: In that (b) (6) , U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 1 September 2009 and 5 October 2009, conspire with (b) (6) Marine Corps, to commit an offense under the Uniform Code of Military Justice, to wit: steal and sell stolen Advanced Combat Optical Gun Sights (ACOGs), of a value of greater than \$500, military property owned by the U. S. Government, in violation of Articles 108 and 121 of the UCMJ, and in order to effect the object of the conspiracy the said (b) (6) and his co-conspirator did: (1) purchase a lock pick set; (2) practice opening locks with the lock pick set; (3) go to the 14 Area Armory; (4) unlock the 14 Area Armory; (5) enter the 14 Area Armory; (6) enter a container; (7) take ACOGs; and (8) sell ACOGs.	Guilty	Guilty, Excepting the words "stolen Advanced Combat Optical Gun Sights (ACOGs) of a value of greater than \$500."
	Guilty	Guilty

The second secon		
Specification 1: In that (b) (6) U. S. Marine Corps, on active duty, did, at an unknown location, between on or about 4 October 2009 and on or about 11 December 2009, without proper authority, sell to an unknown civilian Advanced Combat Optical Gun sights (ACOGs), of a value of greater than \$500, military property owned by the U. S. Government.	Guilty	Guilty
Specification 2: In that (b) (6) U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 24 October 2009 and on or about 8 November 2009, without proper authority, sell to (b) (6) U. S. Marine Corps, one (1) Advanced Combat Optical Gun sight (ACOG), of a value of greater than \$500,	Guilty	Guilty
military property owned by the U. S. Government.		8
Specification 3: In that (b) (6) U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 24	Guilty	Guilty
October 2009 and on or about 8 November 2009, without proper authority, sell to (b)(6) U. S. Marine Corps, one (1) Advanced Combat Optical Gun sight (ACOG), of a		
value of greater than \$500, military property owned by the U. S. Government.		The state of the s
Specification 4: In that (b)(6) , U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 24	Guilty	Guilty
October 2009 and on or about 8 November 2009, without proper authority, sell to Lance Corporal Garrett M. Miner, U. S. Marine Corps, one (1) Advanced Combat Optical Gun sight		
ACOG), of a value of greater than \$500, military property owned by the U. S. dovernment.		
Charge III: Violation of the UCMJ, Art 121	Guilty	Guilty

Specification: In that (b) (6) U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 4 October 2009 and on or about 4 November 2009, steal Advanced Combat Optical Gun sights (ACOGs), military property owned by the U. S. Government, of a value of greater than \$500	Guilty	Guilty
Charge IV: 'Violation of the UCMJ, Article 130	Guilty	Guilty
Specification: In that (b) (6) U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 4 October 2009 and on or about 4 November 2009, unlawfully enter a container in the 14 Area Armory, the property of the U. S. Government, with intent to commit a criminal offense, to wit: larceny of Advanced Combat Optical Gun sights (ACOGs), therein.	Guilty	Guilty, excepting the words "Advanced Combat Optical Guns Sights (ACOGs)," and substituting therefore "military property of the United States Government."
Charge V: Violation of the UCMJ, Article 134	Guilty	Subsumed into Charge IV
Specification: In that (6) (6) , U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 4 October 2009 and on or about 4 November 2009, unlawfully enter a container in the 14 Area Armory, military property owned by the U. S. Government, which conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.		Guilty on all elements, however, for the purposes of findings and sentencing, the military judge merged this specification with Charge IV's sole specification.

- 3. Partial acquittal based on mental incompetence: N/A
- 4. Military Judge: (b) (6)
- 5. Sentence adjudged:

Discharge: BCD	Confinement: 12 months
Reduction: E-1	Forfeitures: \$964 a month for 12 months
Additional punishment: None	Military Judge's recommendation: None

6. Date sentence adjudged: 15 December 2010. Automatic forfeitures become effective 29 December 2010 (14 days after date sentence was announced) unless written notice of deferment by the convening authority is received by authorities with responsibility for the accused's service and pay records.



Absent such written notice of deferment, action by those authorities in this case giving effect to the automatic sentence must occur by 29 December 2010. Trial counsel must be provided the originals of such written approved deferments for inclusion in the record of trial (R.C.M. 1103).

- 7. Credits to be applied to confinement, if any:
 - a. Pretrial Confinement: 7 days.
 - b. Judicially-ordered credits: None.
 - c. Total credits: 7 days.
- 8. Sentence limitation terms of the pretrial agreement:
 - a. Punitive Discharge: May be approved as adjudged.
- b. Confinement: May be approved as adjudged. However, all confinement in excess of 11 months will be disapproved.
 - c. Forfeitures and Fines:
- (1) Adjudged Forfeitures: May be approved as adjudged, but a Dependant's allotment will be made as outlined below.
- (2) Automatic Forfeitures: Automatic forfeitures (in the amount of \$1,667 per month) will be deferred provided that the accused establishes and maintains a dependant's allotment for his wife who suffers from disabilities and his two children in the total amount of the deferred forfeiture amount during the entire period of deferment. This Agreement constitutes the accused's request for, and the convening authority's approval of, deferment of automatic forfeitures (in the amount of \$1,667 per month) pursuant to Article 58b(a)(1), UCMJ. The period of deferment will run from the date automatic forfeitures would otherwise become effective under Article 58b(a)(1), UCMJ, until the date the convening authority acts on the Sentence. Further, this Agreement constitutes the accused's request for, and the convening authority's approval of, waiver of automatic forfeitures (in the amount of \$1,667 per month). The period of waiver will run from the date the convening authority takes action on the sentence for six months. The deferred and waived forfeitures shall be paid to Dawna M. Serrato, who is the accused's dependant.
 - Fines: If adjudged, the fine will be disapproved.
 - Reduction: May be approved as adjudged.
 - f. Other lawful punishments: May be approved as adjudged.
- 9. DNA collection is required per 10 U.S.C. Sec. 1565:

No	X	Yes

*Qualifying Military Offenses (QMO) for DNA processing are any offense under the UCMJ punishable by a sentence of confinement for more than one year (regardless of the sentence imposed). This includes Attempt (Article 80), Conspiracy (Article 81) or solicitation of another to commit a QMO (Article 134). See Undersecretary of Defense for Personnel and readiness Memo of 18

Apr 05 for further guidance on Qualifying military Offenses. If collections required, collection may be effected before the convening authority acts.

10. Upon convening authority's action in this case, sex offender notifications may be required per 42 U.S.C. § 14071:

v	No	Yes
^	IAO	ies

See DODINST 1325.7, Administration of Military Correctional Facilities and Clemency and Parole Authority, July 17, 2002, Enclosure 27 for a list of offenses requiring sex offender notifications.

(b) (6)

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UNITED STATES MARINE CORPS

LEGAL SERVICES SUPPORT SECTION
1ST MARINE LOGISTICS GROUP, MARFORPAC
BOX 555807
CAMP PENDLETON, CALIFORNIA 92055-5607

IN REPLY REPER TO: 5813 LSST-E/jmv 3 Dec 10

From: Trial Counsel, (b) (6)

Echo, Legal Services Support Section

To: Commanding Officer, 7th Engineering Support Battalion, 1st Marine

Logistics Group

Subj: REPORT OF RESULTS OF TRIAL ICO (b) (6)

1. Per R.C.M. 1101(a), MCM, notification is hereby given in the case of United States v. (b)(6) , a trial by Special Court-Martial occurring at Camp Pendleton, California, convened by the Commanding Officer, 7th Engineering Support Battalion, 1st Marine Logistics Group, Camp Pendleton, California.

2. Offenses, pleas, and findings:

Offense	Plea	Finding
Charge I: Violation of the UCMJ, Art 81	Guilty	Guilty
Specification: In that (b) (6) , U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 1 September 2009 and on or about 5 October 2009, conspire with (b) (6) U. S. Marine Corps, to commit an offense under the Uniform Code of Military Justice, to wit: steal and sell stolen Advanced Combat Optical Gun Sights (ACOGs), of a value of greater than \$500, the military property owned by the U. S. Government, in violation of Article 108 of the UCMJ, and in order to effect the object of the conspiracy the said (b) (6) his co-conspirator did: (1) purchase a lock pick set; (2) practice opening locks with the lock pick set; (3) go to the 14 Area Armory; (4) unlock the 14 Area Armory gate; (5) enter the 14 Area Armory; (6) pick the lock of a container; (7) unlock a container; (8) enter a container; (9) take ACOGs; and (10) sell ACOGs.	Guilty	Guilty



Charge II: Violation of the UCMJ, Art 86	Not Guilty	Not Guilty
Specification: In that (b) (6) , U. S. Marine Corps, on active duty, being a member of the 14 Area Guard, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 4 October 2009 and on or about 4 November 2009, without authority, go from his post with intent to abandon the same.	Not Guilty	Not Guilty
Charge III: Violation of the UCMJ, Art 92	Guilty	Guilty
Specification: In that (b)(6) U. S. Marine Corps, on active duty, who knew of his duties with the 14 Area Guard, at or near Marine Corps Base Camp Pendleton, California, on or about between 4 October 2009 and on or about 4 November 2009, was derelict in the performance of those duties in that he willfully failed to keep the 14 Area Armory Secure, as it was his duty to do.	Guilty	Guilty
Charge IV: Violation of the UCMJ, Art 128	Guilty	Guilty
Specification 1: In that (b) (6) , U. S. Marine Corps, on active duty, did, at an unknown location, between on or about 4 October 2009 and on or about 11 December 2009, without proper authority, sell to an unknown civilian, Advanced Combat Optical Gun sights (ACOGs), of a value of greater than \$500, military property owned by the United States Government.	Guilty	Guilty
Specification 2: In that (b)(6) , U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 24 October 2009 and on or about 8 November 2009, without proper authority, sell to (b)(6) , U. S. Marine Corps, one (1) Advanced Combat Optical Gun sight (ACOG), of a value of greater than \$500, military property owned by the United States Government.	Guilty	Guilty

Subj: REPORT OF RESULTS OF TRIAL ICO (b) (6)
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Specification 3: In that (b) (6) , U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 24 October 2009 and on or about 8 November 2009, without proper authority, sell to (b) (6) , U. S. Marine Corps, one (1) Advanced Combat Optical Gun sight (ACOG), of a value of greater than \$500, military property owned by the United States Government.	Guilty	Guilty
Charge V: Violation of the UCMJ, Art 121	Guilty	Guilty
Specification: In that (b) (6) , U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 4 October 2009 and on or about 4 November 2009, steal Advanced Combat Optical Gun sights (ACOGs), military property, of a value of greater than \$500, military property owned by the United States Government.	Guilty	Guilty
Charge VI: Violation of the UCMJ, Art 130	Guilty	Guilty
Specification: In that (b)(6) , U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 4 October 2009 and on or about 4 November 2009, unlawfully enter a container in the 14 Area Armory, the property of the U. S. Government, with intent to commit a criminal offense, to wit: larceny of Night Vision Goggles (NVGs) and Advanced Combat Optical Gun sights (ACOGs), of a value of greater than \$500, military property owned by the U. S. Government, therein.	Guilty	Guilty
Charge VII: Violation of the UCMJ, Art 134	Not Guilty	Not Guilty
Specification: In that (b) (6) U. S. Marine Corps, on active duty, was, at or near Marine Corps Base Camp Pendleton, California, between 4 October 2009 and on or about 4 November 2009, disorderly, which conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.	Not Guilty	Not Guilty

- 3. Partial acquittal based on mental incompetence: N/A
- 4. Military Judge: (b) (6)
- 5. Sentence adjudged:

Discharge:	BCD	Confinement: 12 months
Reduction:	E-1	Forfeitures: \$964 a month for 12 months
Additional	punishment: None	Military Judge's recommendation: None

- 6. Date sentence adjudged: 3 December 2010. Automatic forfeitures become effective 17 December 2010 (14 days after date sentence was announced) unless written notice of deferment by the convening authority is received by authorities with responsibility for the accused's service and pay records. Absent such written notice of deferment, action by those authorities in this case giving effect to the automatic sentence must occur by 17 December 2010. Trial counsel must be provided the originals of such written approved deferments for inclusion in the record of trial (R.C.M. 1103).
- 7. Credits to be applied to confinement, if any:
 - a. Pretrial Confinement: None.
 - b. Judicially-ordered credits: None.
 - c. Total credits: None.
- 8. Sentence limitation terms of the pretrial agreement:
- a. Punitive Discharge: May be approved as adjudged. I agree that, should a punitive discharge be adjudged, I will submit, within 5 days from the date of the conclusion of my trial, a written request to be placed on voluntary appellate leave without pay or allowances.
- b. Confinement: May be approved as adjudged. However, all confinement in excess of 90 days will be suspended for 12 months from the date the confinement is adjudged, at which time, unless sooner vacated, the suspended portion will be remitted without further action. This Agreement constitutes my request for, and the convening authority's approval of, deferment of all confinement suspended pursuant to the terms of this Agreement. The period of deferment will run from the date of adjournment of this court-martial until the date the convening authority acts on the sentence.
 - c. Forfeitures and Fines: May be approved as adjudged.
 - d. Reduction: May be approved as adjudged
 - e. Other lawful punishments: May be approved as adjudged.
- 9. DNA collection is required per 10 U.S.C. Sec. 1565:

No	X	Yes
NO	A4	165

*Qualifying Military Offenses (QMO) for DNA processing are any offense under the UCMJ punishable by a sentence of confinement for more than one year (regardless of the sentence imposed). This includes Attempt (Article 80), Conspiracy (Article 81) or solicitation of another to commit a QMO (Article 134). See Undersecretary of Defense for Personnel and readiness Memo of 18 Apr 05 for further guidance on Qualifying military Offenses. If collections required, collection may be effected before the convening authority acts.

10. Upon convening authority's action in this case, sex offender notifications may be required per 42 U.S.C. § 14071:

X	No	Yes
AL.	410	all has be

See DODINST 1325.7, Administration of Military Correctional Facilities and Clemency and Parole Authority, July 17, 2002, Enclosure 27 for a list of offenses requiring sex offender notifications.



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IPAC File

RECORD C	F TRIAL BY SUI	MMARY COURT-MAR	RTIAL		
1a. NAME OF ACCUSED (Last, First, MI)	b. GRADE OR RANK	c. UNIT OR ORGANIZATION O	FACCUSED	d. SSN	
(b) (6)	Corporal	I MHG, I MEF		(b)	
2a. NAME OF CONVENING AUTHORITY (Last, first, mi)	b. RANK	c. POSITION	d. ORGANIZATION OF CONVENING	AUTHORITY	
	Lieutenant Colonel	Commanding Officer	I MHG, I MEF		
3a. NAME OF SUMMARY COURT-MARTIAL (If SCM was accuser, so state)	b. RANK	c. UNIT OR ORGANIZATION O	SUMMARY COURT-MARITAL OFFICE	ER	
(b) (6)	Captain	I MHG, I MEF			
(C)	heck appropriate ans	wer)		YES	NO
At a preliminary proceeding held on 16 Decade accused a copy of the charge sheet.	cember 2010, the	e summary court-mar	tial gave the	х	
5. At that preliminary proceeding the summary court-man	rtial informed the accu	used of the following:	Line and the second		
a. The fact the charge(s) had been referred to a summ	nary court-martial for	trial and the date of referra		х	
b. The identity of the convening authority.				х	
c. The name(s) of the accuser(s).				х	
d. The general nature of the charge(s).				х	
e. The accused's right to object to trial by summary co	urt-martial.			х	
f. The accused's right to inspect the allied papers and	immediately available	e personnel records.		х	
g. The names of the witnesses who could be called to martial expected to introduce into evidence.			which the summary court-	х	
h. The accused's right to cross-examine witnesses and	d have the summary	court-martial cross-examin	e on behalf of the accused.	х	
i. The accused's right to call witnesses and produce e	vidence with the assi	stance of the summary cou	rt-martial if necessary.	х	
 That during the trial the summary court-martial woul accused to the summary court-martial, unless admit 				х	
k. The accused's right to testify on the merits or to rem the summary court-martial from such silence.	ain silent, with the as	surance that no adverse in	ference would be drawn by	х	
 If any findings of guilty were announced, the accuse both, and to testify and to introduce evidence in external. 			atement, oral or written or	х	
m. The maximum sentence which could be adjudged if	the accused was fou	and guilty of the offense(s)	alleged.	х	
n. The accused's right to plead guilty or not guilty.	1 3 13			х	
6. At the trial proceeding held on time to decide, did x did not object (Note: The SCM may ask the accused to initial this entry at the time.		ary court-martial.	ed, after being given a re	0	(Initial
7a. The accused was X was not represent the second was X was X was not represent the second was X was X was not represent the second was X was X was Not represent the second was X was X was Not represent the second was X	sented by counsel. (/	Tine accused was represe	nted by counsel, complete b, c	c. RANK	
N/A				any) CIV	
d. COUNSEL QUALIFICATIONS N/A					

DD Form 2329 84 AUG

CHARGE(S) AND SPECIFICATION(S)	PLEA(S)	FINDINGS (Including any exceptions and substitutions)
Charge I	G	G
Specification 1	G	G
Specification 2	G	G
Charge II	G	G
Specification	G	G
Charge III	G	G
Specification 1	G	G
Specification 2	G	G
Specification 3	G	G
(b) (6)	9	G
have received a copy of this record of trial _		The second secon
ALTO VILL	The second second	The second secon
waive my right to request clemency		
(b) (6)	<u></u>	
do not request deferment of confinement, if any		
The fellowing contains upg adjudged: Deduction to Large Comer		
	al (E-3), Forfeiture of \$1282 pay	per month for (1) month, and Restriction for 6
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ACTION BY CONVENING AUTHORITY the sentence is approved and ordered executed. ess, duty, billet and worship and the most dior a period of 60 days. The record of trial eview under Art. 64(a), UCMJ. Lieutenant Colonel	t be	advised of the right to submit written matters by, including a request for clemency, and of the by the Judge Advocate General. NO 6 December 2010 icted to the limits of place of the bown without suspension from duty warded to a judge advocate for Commanding Officer

DD Form 2329 Reverse, 84 AUG

			CHARGE SHEET	r		
			I. PERSONAL DATA			
. NAME OF AC	CCUSED (Last, First, MI)		2. SSN		3. RANK/RATE	4. PAY GRADE
b) (6)			(b) (6)		Cpl	E-4
. UNIT OR OR	GANIZATION				6. CURRENT SERVICE	AND DESCRIPTION OF THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NAMED
					a. INITIAL DATE	b. TERM
MHG, I M	IEF, Camp Pendleton	, CA 92055		,	10 Sep 07	5 yrs
. PAY PER MC			8. NATURE OF REST	RAINT OF ACCUSED	9. DATE (S) IMPOSE	D
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL	-			
			No	ne	Not App	olicable
\$2,094.00	None	\$2,094.00				
		II. CHARGI	ES AND SPECIFICATION	ONS		
Jniform Co Combat Op 08 of the Unis co-cons (()	offer one (1) exchange one exchange bet deliver one (1)	ACOG to Land (1) ACOG; ween approximately ACOG to L	between approximation roperty owned by	ately one (1) and the U. S. Govern acy the said (b) (t tt M. Miner for s 500; and rett M. Miner.	ment, in violation	Advanced n of Article or
					274	
			Tables.		4F4	
(a NAME OF	ACCLISED # and Effect ##		III. PREFERRAL	La opposition		
The second second	ACCUSER (Last, First, MI)		b. GRADE	c. ORGANIZATION	OF ACCUSER	Campan CA
0) (6)					OF ACCUSER LG, MarForPac,	CamPen, CA
	OF A(b) (6)		b. GRADE	CLR-17, 1stM e. DATE	OF ACCUSER LG, MarForPac,	

12. On 29 Nov 20 10, the accused the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M.	was informed of the charges against him/her and of the name(s) of
The accession when to the Cope N.C.W. Cooley. (See Th.C.W.	
Typed Name of Immediate Commander	I MHG, I MEF, MarForPac, Camp Pendleton, CA Organization of Immediate Commander
Major, U. S. Marine Corps	
-	
IV. RECEIPT BY SUMMARY COUR	T-MARTIAL CONVENING AUTHORITY
13. The sworn charges were received at 1300 hours,	29 Nov 20 1D at IMHG, IMEF, Designation of Command or
Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)	
	FOR THE Commanding Officer
(b) (6)	Executive Officer
Typed Name of Officer	Official Capacity of Officer Signing
Major, U. S. Marine Corps	
(b) (6) Signature	Effective the date of referral. (6) is hereby detailed as summary court-martial officer for the charge herein.
V. REFERRAL, SE	RVICE OF CHARGES
14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY b. P.	c. DATE
I MHG, I MEF	Camp Pendleton, CA 29 Nov 10
Referred for trial to the Summary court-martial convened by	The above notation.
dated 20	subject to the following instructions: ² None.
By ////////////////////////////////////	of
Command or Order	
(b) (6)	Commanding Officer
Typed Name of Officer	Official Capacity of Officer Signing
Lieutenant Colonel, U. S. Marine Corps	
(b) (6)	
15. On 20, I (caused to be) s	erved a copy hereof on (each of) the above named accused.
(b) (6)	Captain, U. S. Marine Corps
Typed Name of Trial Counsel	Grade or Rank of Trial Counsel
Signature	
	signs personally, inapplicable words are stricken.

Specification 2: In that (b) (6) location, between on or about 24 October 2009 and o U. S. Marine Corps, to o	U. S. Marine Corps, on active duty, did, at an unknown or about 8 November 2009, conspire with commit an offense under the Uniform Code of Military
military property owned by the U.S. Government, in	Optical Gun sight (ACOG), of a value of greater than \$500, violation of Article 108 of the UCMJ, and in order to effect
the object of the conspiracy, the said (b) (6)	or his co-conspirator, did
(1) offer one (1) ACOG to Lance Cor(2) exchange one (1) ACOG;	poral Garrett M. Miner for sale;
(3) exchange between approximately	\$100 and \$300; and
(4) deliver one (1) ACOG to Lance C	
Charge II: Violation of the UCMJ, Article 108	
location, on or about 11 December 2009, without pro-	U. S. Marine Corps, on active duty, did, at an unknown per authority, sell to an unnamed informant for NCIS, one a value of greater than \$500, military property owned by
Charge III: Violation of the UCMJ, Article 134	
	U. S. Marine Corps, on active duty, did, on board Marine or about 24 October 2009 and on or about 8 November cal Gun sight, of a value of greater than \$500, military serty, the said (b) (6)
Specification 2: In that (b) (6) Marine Corps Base Camp Pendleton, California, between December 2009, disorderly, which conduct was prejudies of a nature to bring discredit upon the armed force	dicial to good order and discipline in the armed forces and
investigation of the missing Advanced Combat Optica coaching Private First Class Garrett M. Miner, U. S. M.	Marine Corps, to lie to Special Agenticis (b)(6), (b)(7)(0) e which conduct was to the prejudice of good order and

RECO	RD OF TRIAL BY SUI	MMAHY COURT-MA	AHTIAL		
1a. NAME OF ACCUSED (Last, First, MI)	b. GRADE OR RANK Lance Corporal	c. UNIT OR ORGANIZATION		d. SSN	
2a. NAME OF CONVENING AUTHORITY (Last, first, mi)	b. RANK	c. POSITION	d. ORGANIZATION OF CONVENIN	G AUTHORITY	
	Lieutenant Colonel	Commanding Officer	I MHG, I MEF		
3a. NAME OF SUMMARY COURT-MARTIAL (If SCM was accuser, so state)	6. RANK Captain	c. UNIT OR ORGANIZATION I MHG, I MEF	OF SUMMARY COURT-MARITAL OFFIC	ÆR	
	(Check appropriate answ	wer)		YES] N
4. At a preliminary proceeding held on 20 accused a copy of the charge sheet.	December 2010, the	e summary court-ma	artial gave the	x	7
5. At that preliminary proceeding the summary cour	t-martial informed the accu	sed of the following:		The same	
a. The fact the charge(s) had been referred to a	summary court-martial for to	rial and the date of refer	al.	x	
b. The identity of the convening authority.				x	
c. The name(s) of the accuser(s).				x	
d. The general nature of the charge(s).				х	
e. The accused's right to object to trial by summa	ry court-martial.			х	
f. The accused's right to inspect the allied papers	and immediately available	personnel records.		х	
g. The names of the witnesses who could be called martial expected to introduce into evidence.	ed to testify and any docum	nents or physical evidence	e which the summary court-	х	
h. The accused's right to cross-examine witnesse	s and have the summary o	ourt-martial cross-examin	ne on behalf of the accused.	х	
i. The accused's right to call witnesses and produ	ice evidence with the assis	tance of the summary co	urt-martial if necessary.	x .	
 That during the trial the summary court-martial accused to the summary court-martial, unless a 				x	
k. The accused's right to testify on the merits or to the summary court-martial from such silence.	remain silent, with the ass	urance that no adverse i	nference would be drawn by	x	
If any findings of guilty were announced, the action, and to testify and to introduce evidence in	cused's right to remain sile extenuation or mitigation.	nt, to make an unswom s	statement, oral or written or	x	
m. The maximum sentence which could be adjudg	ed if the accused was foun	nd guilty of the offense(s)	alleged.	х	
n. The accused's right to plead guilty or not guilty.				x .	
At the trial proceeding held on me to decide, did x did not objects: The SCM may ask the accused to initial this entry at the	20 DECEMBER 20 ect to trial by summaine time the election is made.)		sed, after being given a re	Control of the Contro	b)
a. The accused was X was not re	presented by counsel. (If i	the accused was represe	anted by counsel, complete b, c	and d helo	w)
NAME OF COUNSEL (Last, First, MI) N/A		The reproduction	oy evened, veriplete b, t	c. RANK (
				No.	

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CHARGE(S) AND SPECIFICATION(S)	PLEA(S)	FINDINGS (Including any exceptions and substitutions)
Charge I	G	G
Specification 1	G	G
Specification 2	G	G
Charge II	G	G
Specification	G	G
Charge III	G	G
Specification 1	G	G
Specification 2	G	G
(b) (6)		
ave received a copy of this record of trial	- I am and a second	
(b) (6)		
vaive my right to request clemency.		
(b) (6)		
o not request deferment of confinement, if any		
days.		
days. The accused was advised of the right to request that confine	ment be 11. The accused was the convening authorit	advised of the right to submit written matters to
The accused was advised of the right to request that confine erred. (Note: When confinement is adjudged.)	ment be 11. The accused was the convening authorit right to request review X YES	advised of the right to submit written matters ty, including a request for clemency, and of the by the Judge Advocate General.
The accused was advised of the right to request that confinence erred. (Note: When confinement is adjudged.) X VES NO -Martial Officer	ment be 11. The accused was the convening authorit right to request review X YES	advised of the right to submit written matters ty, including a request for clemency, and of the by the Judge Advocate General.
The accused was advised of the right to request that confinence erred. (Note: When confinement is adjudged.) NO	ment be 11. The accused was the convening authorit right to request review X YES	advised of the right to submit written matters to y, including a request for clemency, and of the by the Judge Advocate General.
-Martial Officer	ment be 11. The accused was the convening authorit right to request review X YES	advised of the right to submit written matters to y, including a request for clemency, and of the by the Judge Advocate General.
The accused was advised of the right to request that confine terred. (Note: When confinement is adjudged.) NO Martial Officer CTION BY CONVENING AUTHORITY es sentence is approved and ordered executess, duty, billet and worship and the most or a period of 60 days. The record of tri	Date 11. The accused was the convening authority right to request review X YES 2. Date 2. Date	advised of the right to submit written matters to y, including a request for clemency, and of the by the Judge Advocate General. NO December 2010 Cted to the limits of place of om without suspension from duty that warded to a judge advocate for the submit warded to the submit warded to a judge advocate for the submit warded to the submit wa
The accused was advised of the right to request that confine ferred. (Note: When confinement is adjudged.) NO Martial Officer CTION BY CONVENING AUTHORITY e sentence is approved and ordered executess, duty, billet and worship and the most	Date 11. The accused was the convening authority right to request review X YES 2. Date 2. Date	advised of the right to submit written matters to y, including a request for clemency, and of the by the Judge Advocate General. NO December 2010 Cted to the limits of place of om without suspension from duty
The accused was advised of the right to request that confinence erred. (Note: When confinement is adjudged.) NO -Martial Officer CTION BY CONVENING AUTHORITY e sentence is approved and ordered executes, duty, billet and worship and the most a period of 60 days. The record of triview under Art. 64(a), UCMJ.	Date 11. The accused was the convening authority right to request review X YES 2. Date 2. Date	advised of the right to submit written matters to y, including a request for clemency, and of the by the Judge Advocate General. NO December 2010 Cted to the limits of place of om without suspension from duty of warded to a judge advocate for Commanding Officer

DD Form 2329 Reverse, 84 AUG

StradBn, I MHG, I MEF, Camp Pendleton, CA 92055 TAY PERMONTH BASIC B. SEAFGREIGN DUTY C. TOTAL S1,813.20 None \$1,813.20 None \$1,813.20 None Specification 1: In that (b) (6) Marine Corps Base Camp Pendleton, California, between on or about conspire with (b) (6) Code of Military Justice, to wit: sell one (1) stolen Advanced Combination of the conspiracy the said (b) (6) Conspirator did (1) offer one (1) ACOG to Lance Corporal Garrett Methods (2) exchange one (1) ACOG; (3) exchange approximately \$160; and (4) deliver one (1) ACOG to Lance Corporal Garrett Methods (4) deliver one (1) ACOG to Lance Corporal Garrett Methods (5) (CONTINUED ON THE SUPPLEM)	Not Applicable TIONS arine Corps, on active duty, did, on board t 1 December 2009 and 25 December 2009 s, to commit an offense under the Uniform at Optical Gun sight (ACOG), of a value of in violation of Article 108 of the UCMJ, and his co-
Specification 1: In that (b) (6) Code of Military Justice, to wit: sell one (1) stolen Advanced Combination in order to effect the object of the conspirator did (1) offer one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) ACOG to Lance Corporal Garrett Marchange approximately \$160; and deliver one (1) AC	LCpl E-3 6. CURRENT SERVICE a. INITIAL DATE b. TERM 10 Mar 08 4 yrs TOF ACCUSED 9. DATE (S) IMPOSED Not Applicable TIONS Arine Corps, on active duty, did, on board to 1 December 2009 and 25 December 2009 at 1 December 2009 and 25 December 2009 at 1 December 2009 and 25 December 2009 at 1 Optical Gun sight (ACOG), of a value of in violation of Article 108 of the UCMJ, and his co- Miner for sale;
STRAIGH, I MHG, I MEF, Camp Pendleton, CA 92055 PAY PERMONTH BASIC D. SEAFOREIGN DUTY C. TOTAL SI,813.20 None \$1,813.20 None \$1,813.20 None \$1,813.20 None \$1,813.20 LU. S. Marine Corpose Base Camp Pendleton, California, between on or abornspire with (b) (6) Code of Military Justice, to wit: sell one (1) stolen Advanced Combination of the Composition of the Conspiracy the said (b) (6) Code of Military Justice, to wit: sell one (1) stolen Advanced Combination order to effect the object of the conspiracy the said (b) (6) Conspirator did (1) offer one (1) ACOG to Lance Corporal Garrett M (2) exchange one (1) ACOG; (3) exchange approximately \$160; and (4) deliver one (1) ACOG to Lance Corporal Garrett M (5) (6) (CONTINUED ON THE SUPPLEM)	6. CURRENT SERVICE a. INITIAL DATE 10 Mar 08 4 yrs TOF ACCUSED 9. DATE (S) IMPOSED Not Applicable THONS THONS TO ACCUSED 10
stRadBn, I MHG, I MEF, Camp Pendleton, CA 92055 PAY PERMONTH B. BASIC B. SEAFGREIGN DUTY C. TOTAL SI,813.20 None \$1,813.20 DDITIONAL II. CHARGES AND SPECIFIC O. Charge I: Violation of the UCMJ, Article 81 Specification 1: In that (b) (6) U. S. Marine Corps Base Camp Pendleton, California, between on or about onspire with (5) (6) U. S. Marine Corps and in order to effect the object of the conspiracy the said (b) (6) Onspirator did (1) offer one (1) ACOG to Lance Corporal Garrett M (2) exchange one (1) ACOG; (3) exchange approximately \$160; and (4) deliver one (1) ACOG to Lance Corporal Garrett M (5) (6) (CONTINUED ON THE SUPPLEM) (CONTINUED ON THE SUPPLEM) (CONTINUED ON THE SUPPLEM) (CONTINUED ON THE SUPPLE	a. INITIAL DATE 10 Mar 08 4 yrs TOF ACCUSED 9. DATE (S) IMPOSED Not Applicable THONS THONS Arine Corps, on active duty, did, on board to 1 December 2009 and 25 December 2009 s, to commit an offense under the Uniform at Optical Gun sight (ACOG), of a value of in violation of Article 108 of the UCMJ, and his co- Miner for sale;
BASIC b. SEAFOREIGN DUTY c. TOTAL None \$1,813.20 None \$1,813.20 None \$1,813.20 None \$1,813.20 Charge I: Violation of the UCMJ, Article 81 Decification 1: In that (b) (6) Decification 1: In that (c) (c) (c) (d) Decification 1: In that (d) Decification 1: In that (d) (d) Decification 1: In that	10 Mar 08 4 yrs TOF ACCUSED: 9. DATE (S) IMPOSED Not Applicable TIONS TIONS TOTAL CORPS, on active duty, did, on board at 1 December 2009 and 25 December 2009 s, to commit an offense under the Uniform at Optical Gun sight (ACOG), of a value of in violation of Article 108 of the UCMJ, and his co- Miner for sale;
BASIC b. SEAFOREIGN DUTY c. TOTAL None \$1,813.20 None \$1,813.20 None \$1,813.20 None \$1,813.20 None \$1,813.20 Charge I: Violation of the UCMJ, Article 81 Specification 1: In that (b) (6) Arine Corps Base Camp Pendleton, California, between on or about onspire with (b) (6) Code of Military Justice, to wit: sell one (1) stolen Advanced Combinater than \$500, military property owned by the U. S. Government and in order to effect the object of the conspiracy the said (b) (6) onspirator did (1) offer one (1) ACOG to Lance Corporal Garrett Materials (2) exchange one (1) ACOG; (3) exchange approximately \$160; and (4) deliver one (1) ACOG to Lance Corporal Garrett Materials (2) exchange approximately \$160; and (4) deliver one (1) ACOG to Lance Corporal Garrett Materials (2) (CONTINUED ON THE SUPPLEM)	Not Applicable TIONS Arine Corps, on active duty, did, on board to 1 December 2009 and 25 December 2009 at 10 Commit an offense under the Uniform at Optical Gun sight (ACOG), of a value of in violation of Article 108 of the UCMJ, and his co-
None \$1,813.20 None \$	Not Applicable TIONS arine Corps, on active duty, did, on board to 1 December 2009 and 25 December 2009 s, to commit an offense under the Uniform at Optical Gun sight (ACOG), of a value of in violation of Article 108 of the UCMJ, and his co-
None \$1,813.20 None \$1,813.20 DDITIONAL II. CHARGES AND SPECIFIC D. Charge I: Violation of the UCMJ, Article 81 Decification 1: In that (b) (6) U. S. Marine Corps Base Camp Pendleton, California, between on or about the corps with (b) (6) U. S. Marine Corps Base Camp Pendleton, California, between on or about the corps with (b) (6) U. S. Marine Corps Base Camp Pendleton, California, between on or about the corporate of Military Justice, to wit: sell one (1) stolen Advanced Combinater than \$500, military property owned by the U. S. Government of in order to effect the object of the conspiracy the said (b) (6) onspirator did (1) offer one (1) ACOG to Lance Corporal Garrett M. (2) exchange one (1) ACOG; (3) exchange approximately \$160; and (4) deliver one (1) ACOG to Lance Corporal Garrett M. (2) deliver one (1) ACOG to Lance Corporal Garrett M. (3) (6) deliver one (1) ACOG to Lance Corporal Garrett M. (4) deliver one (1) ACOG to Lance Corporal Garrett M. (5) (6) deliver one (1) ACOG to Lance Corporal Garrett M. (6) (6) deliver one (1) ACOG to Lance Corporal Garrett M. (6) (6) deliver one (1) ACOG to Lance Corporal Garrett M. (6) (6) deliver one (1) ACOG to Lance Corporal Garrett M. (7) deliver one (1) ACOG to Lance Corporal Garrett M. (7) deliver one (1) ACOG to Lance Corporal Garrett M. (7) deliver one (1) ACOG to Lance Corporal Garrett M. (8) deliver one (1) ACOG to Lance Corporal Garrett M. (9) (6) deliver one (1) ACOG to Lance Corporal Garrett M. (1) deliver one (1) ACOG to Lance Corporal Garrett M. (1) deliver one (1) ACOG to Lance Corporal Garrett M. (1) deliver one (1) ACOG to Lance Corporal Garrett M. (1) deliver one (1) ACOG to Lance Corporal Garrett M. (1) deliver one (1) ACOG to Lance Corporal Garrett M. (1) deliver one (1) ACOG to Lance Corporal Garrett M. (1) deliver one (1) ACOG to Lance Corporal Garrett M. (2) deliver one (1) ACOG to Lance Corporal Garrett M. (2) deliver one (1) ACOG to Lance Corporal Garrett M. (2) deliver one (1) ACOG to Lance Corporal Garrett M. (2) deliver one (1) ACOG to La	arine Corps, on active duty, did, on board to 1 December 2009 and 25 December 2009 s, to commit an offense under the Uniform at Optical Gun sight (ACOG), of a value of in violation of Article 108 of the UCMJ, and his co-
DDITIONAL II. CHARGES AND SPECIFIC O. Charge I: Violation of the UCMJ, Article 81 pecification 1: In that (b) (6) Marine Corps Base Camp Pendleton, California, between on or about the conspire with (b) (6) Code of Military Justice, to wit: sell one (1) stolen Advanced Combinater than \$500, military property owned by the U. S. Government of in order to effect the object of the conspiracy the said (1) offer one (1) ACOG to Lance Corporal Garrett Marchange one (1) ACOG; (3) exchange one (1) ACOG; (3) exchange approximately \$160; and (4) deliver one (1) ACOG to Lance Corporal Garrett Marchange (4) deliver one (1) ACOG to Lance Corporal Garrett Marchange (5) (6) (CONTINUED ON THE SUPPLEM (1) PREFERRAL (1) OFFIDAVIT (1) (6) (6) FFIDAVIT (1) (6) (6) FFIDAVIT (1) (6) (7) (7) (7) (7) (7) (7) (7) (7) (7) (7	arine Corps, on active duty, did, on board to 1 December 2009 and 25 December 2009 s, to commit an offense under the Uniform at Optical Gun sight (ACOG), of a value of in violation of Article 108 of the UCMJ, and his co-
CONTINUED ON THE SUPPLEM (CONTINUED ON THE SUPPLEM)	arine Corps, on active duty, did, on board to 1 December 2009 and 25 December 2009 s, to commit an offense under the Uniform at Optical Gun sight (ACOG), of a value of in violation of Article 108 of the UCMJ, and his co-
Specification 1: In that (b) (6) Marine Corps Base Camp Pendleton, California, between on or about conspire with (b) (6) Code of Military Justice, to wit: sell one (1) stolen Advanced Combinated in order to effect the object of the conspiracy the said (b) (6) Conspirator did (1) offer one (1) ACOG to Lance Corporal Garrett (2) exchange one (1) ACOG; (3) exchange approximately \$160; and (4) deliver one (1) ACOG to Lance Corporal Garrett (CONTINUED ON THE SUPPLEM)	arine Corps, on active duty, did, on board to 1 December 2009 and 25 December 2009 s, to commit an offense under the Uniform at Optical Gun sight (ACOG), of a value of in violation of Article 108 of the UCMJ, and his co-
Specification 1: In that (b) (6) Marine Corps Base Camp Pendleton, California, between on or about conspire with (b) (6) Code of Military Justice, to wit: sell one (1) stolen Advanced Combination order to effect the object of the conspiracy the said (b) (6) conspirator did (1) offer one (1) ACOG to Lance Corporal Garrett (2) exchange one (1) ACOG; (3) exchange approximately \$160; and (4) deliver one (1) ACOG to Lance Corporal Garrett (4) deliver one (1) ACOG to Lance Corporal Garrett (5) exchange approximately \$160; and (4) deliver one (1) ACOG to Lance Corporal Garrett (5) exchange approximately \$160; and (6) deliver one (1) ACOG to Lance Corporal Garrett (5) exchange one (1) ACOG to Lance Corporal Garrett (6) deliver one (1) ACOG to Lance Corporal Garrett (6) deliver one (1) ACOG to Lance Corporal Garrett (6) deliver one (1) ACOG to Lance Corporal Garrett (6) deliver one (1) ACOG to Lance Corporal Garrett (6) deliver one (1) ACOG to Lance Corporal Garrett (6) deliver one (1) ACOG to Lance Corporal Garrett (7) deliver one (1) ACOG to Lance Corporal Garre	t 1 December 2009 and 25 December 2009 s, to commit an offense under the Uniform at Optical Gun sight (ACOG), of a value of in violation of Article 108 of the UCMJ, and his co- . Miner for sale;
III. PREFERRAL D) (6) SIGNATUI (b) (6) FFIDAVIT SIGNATURE OF ACCUSER (Lest, First, MI) D. GRADE CPL CPL CPL CPL CPL CPL CPL CP	
III. PREFERRAL D) (6) SIGNATUI (b) (6) FFIDAVIT SIGNATURE OF ACCUSER (Lest, First, MI) D. GRADE CPL CPL CPL CPL CPL CPL CPL CP	
ta. NAME OF ACCUSER (Lest, First, MI) b. GRADE CPL CPL CPL FFIDAVIT GRADE CPL GRADE	NTAL PAGE)
to. NAME OF ACCUSER (Lest, First, MI) b. GRADE CPL CPL CPL CPL CPL CPL CPL CP	
to. NAME OF ACCUSER (Lest, First, MI) b. GRADE CPL CPL CPL CPL CPL CPL CPL CP	
to. NAME OF ACCUSER (Lest, First, MI) b. GRADE CPL CPL CPL CPL CPL CPL CPL CP	
ta. NAME OF ACCUSER (Last, First, MI) b. GRADE CPL CPL GRADE GRADE CPL CPL CPL CPL CPL CPL CPL CP	
SIGNATUI(b) (6) FFIDAVIT	ORGANIZATION OF ACCUSER
FFIDAVITE Sersigned, authorized by lew to administer oath	LR-17, 1stMLG, MarForPac, CamPen, CA
FFIDAVITIES TO A SECOND PROPERTY OF THE PROPER	e. DATE
FFIDAVITIES TO A STATE OF THE PROPERTY OF THE	.26 oct 10
	in cases of this character, personally appeared th
pove named accuser this 26th day of October 20 10	, and signed the foregoing charge and specification
nder oath that he is a person subject to the Uniform Code of Military Justice vestigated the matters set forth therein and that the same are true to the best of	nd that he either has personal knowledge of or his
Assertance and manufacture and folial hideality and filed file against and filed to also best (The Miowadge and belief.
(b) (6) CLR-1	7, 1stMLG, MarForPac, CamPen, CA
Typed Name of Officer	Organization of Officer
C Victor	Organization of Omcar
Captain, USMC	*
Grade and Service	Judge Advocate Official Capacity to Administer Catha

DD FORM 458

	(b) (6)	Ø(a)). (See R.C.I	VI. 308 if notification	n cannot be mad Bn, IMHG, I	inst him/her and of the name(s) of le.) MEF, MarForPac, Camp leton, CA
Туре	ed Name of Immediate Comman	nder	F N		mmediate Commander
First Lie	eutenant, U.S. Marine	Corps			80
(b) (6)	On the				
_					
		RY COL	IRT-MARTIAL CON	VENING AUTHO	PRITY
3. The sworn charg	ges were received at 07	30 hours, _	IU NOV	20 10 at	1stRadBn, I MHG, I MEF,
AarForPac, Cam	p Pendleton, CA	- 0011 1001			Designation of Command or
flicer Exercising Summ	ary Court-Martial Jurisdiction (S	les FLG.M. 409)	FOR THE	Command	ing Officer
			FOR THE		
	(b) (6) Typed Name of Officer				l Officer ty of Officer Signing
Giest I is	eutenant, U. S. Marine	Corne		Onion Onput	y or community and
(b) (6)	Onds	Corps			
				date of referral,) (6)
		V DEDEDDAL	BERVICE OF CHA	PACE	
4e. DESIGNATION OF	COMMAND OF CONVENING		PLACE	ngea	c. DATE
	I MHG, I MEF	1000	Camp Pendl	eton CA	6 Dec 2010
Referred for trial to t	he Summary court	-martial convened	the above	e notation.	· · · · · · · · · · · · · · · · · · ·
ated		20	, subject to the	following instruc	ions:2 None.
lated		20	_ , subject to the	following instruc	ions: ² None.
lated		20	1	following instruc	ions: ² None.
lated			1	4	
lated			1	Comma	nding Officer
lated	(b) (6) Typed Name of Official	end or Order	1	Comma	nding Officer
Lieutenan	(b) (6)	end or Order	1	Comma	nding Officer
	(b) (6) Typed Name of Official	end or Order	1	Comma	nding Officer
Lieutenan	(b) (6) Typed Name of Officer at Colonel, U.S. Marin	and or Order ne Corps	of	Commai Official Capac	nding Officer
Lieutenar (b) (6)	t Colonel, U.S. Marin	and or Order ne Corps	of	Comman Official Capaci Preof on (each-of-	ading Officer thy of Officer Signing the above named accused. S. Marine Corps
Lieutenar (b) (6)	(b) (6) Typed Name of Officer at Colonel, U.S. Marin	and or Order ne Corps	of	Comman Official Capaci Preof on (each-of-	ading Officer thy of Officer Signing the above named accused.

DD Form 458 Reverse

DD FORM 458

S/N 0102-LF-000-4500

RECO	RD OF TRIAL BY SU	MMARY COURT-MARTI	AL		
NAME OF ACCUSED (Last, First, MI)	b. GRADE OR RANK Lance	c. UNIT OR ORGANIZATION OF AC	CUSED	d. SSN	
MINER, Garrett M.	Corporal	SctyBn, MCB		5764	
2a. NAME OF CONVENING AUTHORITY (Last, first, mi)	b. RANK	c. POSITION d	ORGANIZATION OF CONVENING	AUTHORITY	
(b) -	Colonel	Officer	SctyBn, MCB		
3a. NAME OF SUMMARY COURT-MARTIAL (If SCM was accuser, so state)	b. RANK	c. UNIT OR ORGANIZATION OF SU	MMARY COURT-MARITAL OFFICE	R	
(b) (6)	Captain	SCTYBn, MCB			
	(Check appropriate an	swer)		YES	NO
At a preliminary proceeding held on 5 accused a copy of the charge sheet.	January 2011, the	summary court-martial ga	ave the	for	
5. At that preliminary proceeding the summary co	urt-martial informed the ac	cused of the following:			
a. The fact the charge(s) had been referred to a	summary court-martial fo	r trial and the date of referral.		x	
b. The identity of the convening authority.					
c. The name(s) of the accuser(s).					
d. The general nature of the charge(s).					
e. The accused's right to object to trial by summ	nary court-martial.			х	
f. The accused's right to inspect the allied paper	ers and immediately availa	ble personnel records.		х	
g. The names of the witnesses who could be camartial expected to introduce into evidence.			nich the summary court-	х	
. The accused's right to cross-examine witness	ses and have the summar	y court-martial cross-examine o	n behalf of the accused.	x	
i. The accused's right to call witnesses and pro	duce evidence with the as	sistance of the summary court-	martial if necessary.	х	
 That during the trial the summary court-martial accused to the summary court-martial, unless 	al would not consider any	matters, including statements p	reviously made by the	х	
 k. The accused's right to testify on the merits or the summary court-martial from such silence 	to remain silent, with the	assurance that no adverse infer	rence would be drawn by	, X	
 If any findings of guilty were announced, the both, and to testify and to introduce evidence 	accused's right to remain		ement, oral or written or	х	
m. The maximum sentence which could be adju	udged if the accused was t	ound guilty of the offense(s) alle	eged.	х	
n. The accused's right to plead guilty or not guil	ty.		The Local Control of the Control of	x	
6. At the trial proceeding held on	5 JANUARY		l, after being given a re		B Com
(Note: The SCM may ask the accused to initial this entry	at the time the election is mad	le.)			(Initial
7a. The accused was X was no	t represented by counsel.	(If the accused was represented	ed by counsel, complete b, o	, and d bek	ow.)
b. NAME OF COUNSEL (Last, First, MI) N/A		Part of the second	4 - 7 4 - 7	c. RANK any) CIV	
d. COUNSEL QUALIFICATIONS N/A		- 100	71.77	ETT	

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Authentication by Summary Court-Martial Officer Date	CHARGE(S) AND SPECIFICATION(S)	PLEA(S)	FINDINGS (Including any exceptions and substitutions)
Authentication by Summary Court-Martial Officer (b) (6) Signature of Summary Court-Martial Officer (b) (6) Signature of Summary Court-Martial Officer (c) (a) (a) (a) (b) (c) (c) (c) (c) (c) (c) (c) (c) (c) (c			
Authentication by Summary Court-Martial Officer (b) (6) Signature of Summary Court-Martial Officer (c) (5) (6) Signature of Summary Court-Martial Officer (d)			
aive my right to request clemency on the request deferment of confinement, if any in the request review by the days of hard of the right to request for clemency, and of the right to request review by the Judge Advocate General. In the accused was advised of the right to submit written matters the convening authority, including a request for clemency, and of the right to request review by the Judge Advocate General. In the accused was advised of the right to submit written matters the convening authority, including a request for clemency, and of the right to request review by the Judge Advocate General. In the accused was advised of the right to submit written matters the convening authority, including a request for clemency, and of the right to submit written matters the convening authority, including a request for clemency, and of the right to submit written matters the convening authority, including a request for clemency, and of the right to submit written matters the convening authority, including a request for clemency, and of the right to submit written matters the convening authority, including a request for clemency, and of the right to submit written matters the convening authority, including a request for clemency, and of the right to submit written matters the convening authority, including a request for clemency, and of the right to submit written matters the convening			
aive my right to request clemency onot request deferment of confinement, if any in the convening authority, including a request for clemency, and of the right to request review by the Judge Advocate General. X YES NO Authentication by Summary Court-Martial Officer (b) (6) Signature of Summary Court-Martial Officer (b) (6) Signature of Summary Court-Martial Officer Date Total and case file is forwarded to commanding Officer Position of Commanding Officer Position of Commanding Officer Position of Commanding Officer			
Authentication by Summary Court-Martial Officer (b) (6) Signature of Summary Court-Martial Officer (c) (5) (6) Signature of Summary Court-Martial Officer (d)	ave received a copy of this record of trial		
The following sentence was adjudged: duction to Private (E-1). Forfeiture of \$964 pay per month for (1) month. 45 days of hard bor without confinement. The accused was advised of the right to request that confinement be erred. (Note: When confinement is adjudged.) Authentication by Summary Court-Martial Officer (b) (6) Signature of Summary Court-Martial Officer CTION BY CONVENING AUTHORITY e sentence is approved and ordered executed. The record of trial and case file is forwarded to judge advocate for review under Art. 64 (a), UCMJ. Commanding Officer Position of Convening Authority Colonel Rank			
The following sentence was adjudged: duction to Private (E-1). Forfeiture of \$964 pay per month for (1) month. 45 days of hard bor without confinement. The accused was advised of the right to request that confinement be ferred. (Note: When confinement is adjudged.) Authentication by Summary Court-Martial Officer (b) (6) Signature of Summary Court-Martial Officer CTION BY CONVENING AUTHORITY The sentence is approved and ordered executed. The record of trial and case file is forwarded to judge advocate for review under Art. 64 (a), UCMJ. Commanding Officer Position of Convening Authority Colonel Rank	o not request deferment of confinement, if any		
The accused was advised of the right to request that confinement be ferred. (Note: When confinement is adjudged.) Authentication by Summary Court-Martial Officer (b) (6) Signature of Summary Court-Martial Officer CTION BY CONVENING AUTHORITY The accused was advised of the right to submit written matters the convening authority, including a request for clemency, and of the right to request review by the Judge Advocate General. X YES NO 11. The accused was advised of the right to submit written matters the convening authority, including a request for clemency, and of the right to request review by the Judge Advocate General. X YES NO Authentication by Summary Court-Martial Officer (b) (6) Signature of Summary Court-Martial Officer Date CTION BY CONVENING AUTHORITY The record of trial and case file is forwarded to grade advocate for review under Art. 64 (a), UCMJ. Commanding Officer Position of Convening Authority Colonel Rank	The following sentence was adjudged: duction to Private (E-1). Forfeiture of \$964 p	ay per month for	(1) month. 45 days of hard
(b) (6) Signature of Summary Court-Martial Officer Date CTION BY CONVENING AUTHORITY e sentence is approved and ordered executed. The record of trial and case file is forwarded to judge advocate for review under Art. 64(a), UCMJ. Commanding Officer Position of Convening Authority Colonel Rank	erred. (Note: When confinement is adjudged.)	the convening authoright to request revie	rity, including a request for clemency, and of the w by the Judge Advocate General.
Signature of Summary Court-Martial Officer Date CTION BY CONVENING AUTHORITY e sentence is approved and ordered executed. The record of trial and case file is forwarded to giudge advocate for review under Art. 64(a), UCMJ. Commanding Officer Position of Convening Authority Colonel Rank			
ction by convening Authority de sentence is approved and ordered executed. The record of trial and case file is forwarded to judge advocate for review under Art. 64(a), UCMJ. Commanding Officer Position of Convening Authority Colonel Rank	C-7-C-7	Date	5 January 2011
te sentence is approved and ordered executed. The record of trial and case file is forwarded to judge advocate for review under Art. 64(a), UCMJ. Commanding Officer Position of Convening Authority Colonel Rank		Date	
Position of Convening Authority Colonel Rank		the record of tri	al and case file is forwarded to
Colonel	judge advocate for review under Art. 64(a), UCM	u.	
	judge advocate for review under Art. 64(a), UCM		
Date	judge advocate for review under Art. 64(a), UCM Colonel		
	judge advocate for review under Art. 64(a), UCM Colonel		Position of Convening Authority

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			CHARGE SHI	EET		
			I. PERSONAL D	ATA		
1. NAME OF AC	CUSED (Last, First, MI)		2. SSN		3. RANK/RATE	4. PAY GRAD
MINER, Garrett M.			494	1 04 5764	LCpl	E-3
. UNIT OR ORG					6. CURRENT SERVI	ICE
					a. INITIAL DATE	b. TERM
SctyBn, MC	CB, Camp Pendleton,	CA 92055			7 Jul 09	5 yrs
, PAY PER MO			8. NATURE OF R	ESTRAINT OF ACCUSED	9. DATE (S) IMPOSE	
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL	-			
			None	Not Applicable		
\$1,705.80	None	\$1,705.80	Link married			
		II. CHARGE	ES AND SPECIFIC	ATIONS		
	ACCUSER (Last, First, MI)		III. PREFERRA	c. ORGANIZATION		Campan CA
b) (6)	(b) (6)			c. ORGANIZATION	ILG, MarForPac,	CamPen, CA
The state of the s	(b) (6)		b. GRADE	c. ORGANIZATION CLR-17, 1stM	ILG, MarForPac,	CamPen, CA
b) (6) AFFIDAVIT: Inbove named ander oath that	OF ACC	day of	cPL Oy law to administ October 2 Code of Military Jame are true to the	c. ORGANIZATION CLR-17, 1stM e. DAT 2 er oaths in cases of to 0_10, and signed lustice and that he eit a best of his knowledg CLR-17, 1stMLG, Organ Judg	MLG, MarForPac,	ally appeared to and specification wiedge of or h

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(b) (6		SctvBn, MCB, MarF	orPac, Camp Pendleton, CA	
Typed Name of	Immediate Commander		of Immediate Commander	
Major, U.	S. Marine Corps			
(b) (6)	Grade			
8) 10/85 16				
	Signature IV. RECEIPT BY SUMMARY COU	RT-MARTIAL CONVENING AUTH	HORITY	
3. The sworn charges were	received at 1000 hours,	27 007, 20 10	at SctyBn, MCB, Designation of Command or	
MarForPac, Camp Pendle	eton, CA Martial Jurisdiction (See R.C.M. 403)			
micer Exercising Summary Court-N	Martial Jurisdiction (See H.C.M. 403)			
		FOR THE ¹ Comman	nding Officer	
(b) (6	j)		utive Officer	
Typed	Name of Officer	Official Can	arity of Officer Signing	
Major, U.	S. Marine Corps			
(b) (6)	132030	Effective the date of referral		
_	_	Effective the date of referral, is hereby detailed as summary court-martial officer for the charge herein		
	V. REFERRAL: S	SERVICE OF CHARGES		
4a. DESIGNATION OF COMMAN		PLACE	c. DATE	
SctyBr	n, MCB	CamPen, CA	DEC 7 2010	
seterred for trial to the 311	immary court-martial convened	by The above notation.		
	20	_ ,subject to the following instru	ctions: ² None	
	20		ctions: ² None	
dated ,	y ////////////////////////////////////	Of		
dated , B	y ////////////////////////////////////	OfComm	anding Officer	
b) (b) (c) Typed	y	OfComm	anding Officer	
b) (b) (c) Typed	y	OfComm	anding Officer	
b) (b) (c) Typed	y	OfComm	anding Officer	
(b) (6) Colonel, U.	y	OfComm	anding Officer	
(b) (6) Colonel, U.	y	OfComm	anding Officer	
(b) (6) Colonel, U.	y	OfComm	anding Officer sacity of Officer Signing	
(b) (6) Colonel, U.	y	Comm Official Cap served a copy hereof on (each of	anding Officer sacity of Officer Signing of) the above named accused.	
(b) (6) (b) (6) Colonel, U. (b) (6)	y	Comm Official Cap served a copy hereof on (each of Captain, I	anding Officer sacity of Officer Signing	
Colonel, U. (b) (6) Colonel, U. (b) (6) Name of Trial Counsel	y	Comm Official Cap served a copy hereof on (each of Captain, I	anding Officer pacity of Officer Signing of) the above named accused. J.S. Marine Corps	